IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	**CRIMINAL NO. 16-464**
	:	
BRENT H. KOPENHAVER	:	

GOVERNMENT'S MOTION FOR FORFEITURE MONEY JUDGMENT

The United States of America, by and through its attorneys, Louis D. Lappen, Acting United States Attorney for the Eastern District of Pennsylvania, and Mark B. Dubnoff and James A. Petkun, Assistant United States Attorneys, respectfully requests entry of a forfeiture money judgment, and in support of this motion, the United States represents as follows:

1. On November 3, 2016, the defendant was charged by Indictment with filing a false tax return, in violation of 26 U.S.C. § 7206(1) (Counts One through Three); and wire fraud, in violation of 18 U.S.C. § 1343 (Counts Four and Five). The Notice of Forfeiture alleged that the defendant's interest in certain property was forfeitable as a result of Counts Four and Five of the Indictment.

2. On February 21, 2017, the defendant pled guilty to Counts One through Five of the Indictment.

3. As a result of the defendant's guilty plea, the defendant is required, pursuant to 18 U.S.C. § 981(a)(1)(c), made applicable by 28 U.S.C. § 2461, to forfeit his interest in any property, real or personal, which constitutes or is derived from proceeds traceable to a "specified unlawful activity," that is, wire fraud.

4. The government avers, based upon the facts set forth at the change of plea hearing, which formed the factual basis for the plea, as well as those set forth in the

Government's Change of Plea Memorandum, that the sum of $37,552.00 in United States Currency is subject to forfeiture as a result of the defendant's guilt as to the acts alleged in Counts Four and Five Indictment. This sum is the amount of property, real or personal, which constitutes or is derived from proceeds traceable to a "specified unlawful activity," that is, wire fraud. See United States v. Vampire Nation, 451 F.3d 189, 201-202 (3d Cir. 2006) (an *in personam* forfeiture money judgment may be entered against the defendant for the full amount of the criminal proceeds); United States v. Voigt, 89 F.3d 1050, 1088 (3d Cir. 1996) (government entitled to personal money judgment against defendant equal to amount of funds forfeitable).

5. The government, therefore, requests that a forfeiture money judgment in the amount of $37,552.00 in United States Currency be entered against this defendant.

6. The government requests authority to conduct discovery in accordance with Federal Rule of Criminal Procedure 32.2(b)(3) to identify assets to satisfy the forfeiture money judgment. Because the government seeks only a money judgment and does not seek forfeiture of any specific asset at this time, advertisement of the judgment and third-party proceedings are not required. Fed.R.Crim.P. 32.2(c)(1) (no ancillary proceedings to address third-party claims required where forfeiture consists of money judgment).

For the reasons stated above, the government requests that this Court enter the attached Forfeiture Money Judgment.

Respectfully submitted,

LOUIS D. LAPPEN
Acting United States Attorney

SARAH L. GRIEB
Chief, Asset Recovery and Victim Witness
Assistant United States Attorney

/s/ Mark B. Dubnoff
MARK B. DUBNOFF
JAMES A. PETKUN
Assistant United States Attorneys

Date: June 20, 2017

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UNITED STATES OF AMERICA	:	
	:	
v.	:	**CRIMINAL NO. 16-464**
	:	
BRENT H. KOPENHAVER	:	

FORFEITURE MONEY JUDGMENT

IT IS HEREBY ORDERED THAT:

1. As a result of the defendant's guilt to Counts Four and Five of the Indictment, the defendant is required, pursuant to 18 U.S.C. § 981(a)(1)(c), made applicable by 28 U.S.C. § 2461, to forfeit his interest in any property, real or personal, which constitutes or is derived from proceeds traceable to a "specified unlawful activity," that is, wire fraud.

2. This Court has determined, based on the facts set forth at the change of plea hearing, which formed the factual basis for the plea, as well as those set forth in the Government's Change of Plea Memorandum, that the sum of $37,552.00 in United States Currency is subject to forfeiture as a result of the defendant's guilt as to the acts alleged in Counts Four and Five of the Indictment. This sum is the amount of any property, real or personal, which constitutes or is derived from proceeds traceable to a "specified unlawful activity," that is, wire fraud.

3. A personal forfeiture money judgment in the amount of $37,552.00 is hereby entered against the defendant in favor of the United States.

4. Any property subsequently recovered from the defendant and forfeited by the government shall reduce the defendant's outstanding liability on the personal forfeiture money judgment.

5. Upon entry of this Order, the United States is authorized to conduct any discovery necessary to identify and locate property subject to forfeiture, in accordance with Federal Rule of Criminal Procedure 32.2(b)(3).

6. Because the government seeks only a money judgment and does not seek forfeiture of any specific asset at this time, advertisement of the judgment and third-party proceedings are not required. Fed.R.Crim.P. 32.2(c)(1) (no ancillary proceedings to address third-party claims required where forfeiture consists of money judgment).

7. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4), this Forfeiture Money Judgment shall become final as to the defendant at the time of sentencing and shall be made part of the defendant's sentence and included in the judgment and commitment order.

8. The Court shall retain jurisdiction to enforce this Forfeiture Money Judgment, and amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

9. The Clerk of the United States District Court for the Eastern District of Pennsylvania shall deliver a copy of this Forfeiture Money Judgment to the Internal Revenue Service, the Federal Bureau of Investigation, and counsel for the parties.

ORDERED this ________ day of ________________, 2017.

BY THE COURT:

____

HONORABLE WENDY BEETLESTONE
Judge, United States District Court

CERTIFICATE OF SERVICE

The foregoing Motion for Forfeiture Money Judgment and proposed Order was served electronically through the District Court Electronic Case System upon:

Ellen C. Brotman
Brotman Law
150 North Radnor Chester Road
Suite F200
Radnor, PA 19087

/s/ Mark B. Dubnoff
MARK B. DUBNOFF
Assistant United States Attorney

Dated: June 20, 2017